

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

EMMANUEL WYATT, et al.,

Plaintiffs,

v.

COUNTY OF STANISLAUS, et al.,

Defendants.

Case No. 1:21-cv-00455-DAD-SAB

ORDER GRANTING STIPULATED MOTION  
TO MODIFY SCHEDULING ORDER

(ECF Nos. 28, 33, 34)

The scheduling order issued in this action on July 20, 2021, and the discovery deadlines have not previously been extended. (ECF No. 28.) No trial date is currently set. On February 9, 2022, the District Judge reset the pretrial conference for September 11, 2023. (ECF No. 33.) The nonexpert discovery deadline is set to expire on June 15, 2022. On June 15, 2022, the parties filed a stipulated motion requesting the discovery deadlines be extended by a period of approximately eight months. (ECF No. 35.) The parties proffer that this lawsuit involves allegations that Defendants removed Plaintiffs' minor children without a warrant or exigent circumstances; that the parties were unable to obtain the juvenile file in this matter until May 11, 2022; that this file is a crucial piece of discovery that was needed before written discovery and depositions could take place; and therefore request a substantial extension of the discovery deadlines in this matter.

1           The Court reminds the parties that the scheduling order expressly states: "If the parties  
2 determine at any time that the schedule outlined in this order cannot be met, counsel are ordered  
3 to notify the court immediately of that fact so that adjustments may be made, either by stipulation  
4 or by subsequent status conference." (ECF No. 28 at 6-7.) Therefore, given the parties proffer  
5 that no written discovery or depositions have been completed because of the delay in obtaining  
6 the juvenile file, it appears the parties were in a position earlier than the eve of the expiration of  
7 the nonexpert discovery deadline to request an extension of the discovery deadlines, particularly  
8 given the file was in fact received more than thirty days ago. Nonetheless, the Court finds good  
9 cause to grant the extension of the discovery deadlines to allow for the completion of discovery.

10           Accordingly, pursuant to the parties' stipulation, IT IS HEREBY ORDERED that the  
11 stipulated motion to modify the scheduling order is GRANTED and the scheduling order is  
12 modified as follows:

- 13           1.       Nonexpert Discovery Deadline: February 15, 2023;  
14           2.       Expert Disclosure Deadline: May 1, 2023;  
15           3.       Expert Discovery Deadline: July 3, 2023;  
16           4.       Dispositive Motion Filing Deadline: September 25, 2023; and  
17           5.       Pre-trial Conference: March 4, 2024, at 1:30 p.m. in Courtroom 5.

18 All other dates and aspects of the scheduling order, as previously modified, shall remain in effect.

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20 IT IS SO ORDERED.

21 Dated: June 16, 2022



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UNITED STATES MAGISTRATE JUDGE